



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
Litigation Bureau

April 1, 2008

VIA ELECTRONIC FILING

Honorable Stephen C. Robinson
United States District Judge
Southern District of New York
300 Quarropas St., Room 633
White Plains, NY 10601

Re: Seitz, et al. v. DeQuarto, et al.
08-CV-1537 (SCR)

Dear Judge Robinson:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York. Counsel for the plaintiffs and defendants conferred last week to develop a Proposed Civil Case Discovery Plan and Scheduling Order, with counsel for the plaintiffs agreeing to submit the attached proposed Scheduling Order to the Court by March 28, 2008. Counsel for the plaintiffs submitted the attached cover letter and Scheduling Order on March 27, 2008, but via overnight mail to the main office in New York. Because this is an ECF case, and because counsel for the plaintiffs is not available this week, Andrew S. Regenbaum, Esq., a colleague of counsel who is familiar with the case, has consented to my uploading the attached proposed Scheduling Order on behalf of both parties.

Respectfully submitted,

/s/ Frederick Wen
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Assistant Attorney General
(212) 416-6536

cc: Marsha S. Weiss, Esq. (via First Class Mail)
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March 27, 2008

VIA OVERNIGHT MAIL

Southern District of New York
500 Pearl Street
New York, NY 10007-1312

ATTN: Honorable Stephen C. Robinson, USDJ

Re: Seitz v. DeQuarto, et al.
Case No.: 08 cv 1537 (SCR)
Our file No.: 9.5018

Dear Judge Robinson:

Enclosed please find the civil case discovery plan and scheduling order in reference to the above matter.

Thank you for your consideration.

Very truly yours,

FELDMAN, KLEIDMAN, & COFFEY, L.L.P.

Marsha S. Weiss

Marsha S. Weiss

MSW/bh
Enclosures

cc: Fred Winn, Esq. - Assistant Attorney General (via regular mail) ✓

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Gerhard Seitz, et al.

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

Paul Dequarto, et al.

08 Civ. 1537 (SCR)

Defendant(s).
-----X

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure. **(Note: all proposed dates should be for weekdays only)**

The case (is) ~~(is not)~~ to be tried to a jury.

Joinder of additional parties must be accomplished by 7/23/2008.

Amended pleadings may be filed until 7/23/2008.

Discovery:

1. Interrogatories are to be served by all counsel no later than 5/23/2008, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.
2. First request for production of documents, if any, to be served no later than 5/12/2008.
3. Depositions to be completed by 8/25/2008.
 - a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
4. Any further interrogatories, including expert interrogatories, to be served no later than 10/27/2008.

5. Requests to Admit, if any to be served no later than 10/27/2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by 11/26/2008.

June 13th, 2008 @ 10:00am

Initial Case Management Conference _____.
(To Be Complete By Court) (Counsel in receipt of this scheduling order is to notify their adversary of the date and time of this Initial Case Management Conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. _____, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Unless otherwise ordered by the Court, the parties are expected to commence discovery upon the receipt of this signed Scheduling Order.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court, except that upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

White Plains, New York

SO ORDERED

Dated:

Stephen C. Robinson U.S.D.J.